

adjustment in payment of any benefits which may have accrued to Mr. Ball during the period of 3 days during which he was subject to suspension without pay on or about June 6, 1985, including but not exclusively pension and welfare benefits.

2. Respondent agrees to remove any references to any derogatory comments about the suspension of Mr. Ball on or about June 6, 1985, from Mr. Ball's personnel and company records.

3. In light of the difficulties and contingencies necessarily attendant to litigation of the subject case together with the complex factual disputes requiring many witnesses and the minimal nature of the economic loss to the complainant which will be entirely recompensed as a result of this settlement, the parties agree that the proposed settlement in this case is appropriate in consideration of all the circumstances.

4. The Secretary recognizes that satisfaction of the miner's interests is paramount to the imposition of a discrimination civil money penalty. The miner's interests in this case are well served by the settlement in which he recovers lost wages and has all adverse references to the circumstances involved in his suspension removed from his employment record. The Secretary agrees to waive the proposed discrimination civil penalty because such a waiver is necessary to achieve a prompt and favorable disposition of the miner's claim. The Secretary asserts that the respondent has no known history of previous violations of section 105(c) of the Act.

5. In consideration of the willingness of the respondent to resolve the claim quickly by payment of restitution to the complainant and the willingness of the respondent to take what other action is necessary to make the complainant whole, the Secretary agrees to waive imposition of any civil penalty. The sum being advanced by the respondent to the benefit of the miner is such that all purposes which would be served by a civil penalty assessment in this case are satisfied. Since section 105(c) of the Act is uniquely designed to benefit individual miners